

United States Court of Appeals
For The Eighth Circuit
Thomas F. Eagleton U.S. Courthouse
111 South 10th Street, Room 24.329
St. Louis, Missouri 63102

Maureen W. Gornik
Acting Clerk of Court

VOICE (314) 244-2400
FAX (314) 244-2780
www.ca8.uscourts.gov

December 06, 2024

RE: United States Judicial Panel on Multidistrict Litigation MCP No. 192

Dear Counsel:

On November 15, 2024, the Judicial Panel on Multidistrict Litigation entered a consolidation order in MCP No. 192 pursuant to 28 U.S.C. § 2112(a)(3). The order directed that four petitions for review that were pending in courts of appeals be consolidated in the United States Court of Appeals for the Eighth Circuit, and that the Eighth Circuit be designated as the circuit in which the record is filed pursuant to Rules 16 and 17 of the Federal Rules of Appellate Procedure. The petitions for review listed in the Judicial Panel's November 15 order have since been transferred to this court. Also, a protective petition for review has been filed by the same petitioners in the four other petitions. The following five cases are hereby consolidated with the lead case designated as Case Number 24-3137.

No. 24-3137 Custom Communications, Inc. v. Federal Trade Commission

No. 24-3388 U.S. Chamber of Commerce, et al. v. Federal Trade Commission

No. 24-3415 Michigan Press Association, et al. v. Federal Trade Commission

No. 24-3442 Electronic Security Ass'n, et al. v. Federal Trade Commission

No. 24-3469 Custom Communications, Inc, et al. v. Federal Trade Commission

The parties to these consolidated petitions for review are requested to meet and confer and to submit, within thirty (30) days of the date of this letter, a joint proposed briefing schedule to which the parties reasonably anticipate adherence with minimal requests for extensions of time. In preparing the proposed briefing schedule, counsel should familiarize themselves with the Eighth Circuit Local Rules of Appellate Procedure generally, and note 8th Cir. R. 28A(m) specifically, as it relates to the calculation of response times for filing appellee and reply briefs. Counsel are asked to indicate whether they will be filing one joint petitioners' brief or more than one, and if there will be more than one, which petitioners will be filing briefs together.

Respondent is requested to notify this court of any other petitions for review that are currently pending in another circuit court and that may be transferred to this court pursuant to the order in MCP No. 192. The court further requests that the Respondent continue to notify the court of any new petitions for review that may be filed in other circuit courts after the date of this letter.

Upon consideration of the parties' response, the clerk will establish and enforce the joint briefing schedule. Counsel should contact the acting clerk of court with any requests for additional information or clarification.

Sincerely,

Maureen Watz Gornik
Acting Clerk of Court

MWG

cc: Benjamin Aiken
Michael P. Corcoran
Anisha S. Dasgupta
Elliott M. Davis
Jennifer B. Dickey
Benjamin M. Flowers
Bradley D. Grossman
Allyson Newton Ho
Matthew M. Hoffman
Mark D. Johnson
Connor P. Mui
Lucas C. Townsend
Helgi C. Walker
Lael D. Weinberger

District Court/Agency Case Number(s): Negative Option Rule RIN 3084-AB60